



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. #05-12

Subject of possible rule making: Amend existing provisions in Chapters 173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA). Amendment to rules describing "jurisdiction" (coverage) of the Shoreline Management Act need revision, to accommodate the refined mapping to be included in updated Shoreline Master Programs. In addition, several sections of the existing SMA rules are in conflict with decisions from the Shoreline Hearings Board and courts. Amendment is needed to conform the rules to these decisions.

Statutes authorizing the agency to adopt rules on this subject: Chapter 90.58 RCW Shoreline Management Act.

Reasons why rules on this subject may be needed and what they might accomplish: The existing rules delineating "Shorelines of the State" have not been systematically updated since adoption in the 1970's. Beginning in 2006, Ecology will be reviewing and approving updated Shoreline Master Programs, which will include updated maps and descriptions of Shorelines of the State. Revision of the rules is necessary to preclude any apparent conflict between the updated maps contained in new Ecology-approved Shoreline Master Programs and the outdated rule lists of Shoreline water bodies.

In addition, several sections of the existing SMA rules are in conflict with decisions from the Shoreline Hearings Board and courts. If these sections remain as currently adopted, procedures used by Ecology staff and other parties may be out of compliance with relevant board and court decisions.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Department of Ecology is the state agency that regulates this subject area. The proposed amendments will not directly affect other state agencies.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Consultation with counties, cities and other interested parties regarding the proposed revisions.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Ecology staff will solicit meetings with Shoreline Rule settlement parties, county and city associations, and legislative leadership on the proposed rule revisions. Cities and counties engaged in Shoreline Master Program updates will be contacted directly for comments. Staff will be available to meet with other interested parties regarding the proposed changes. Information will be provided on the Ecology web site. There will be public hearings when the draft rules are issued.

For more information, contact:

Tom Clingman, Shorelands and Environmental Assistance Program, Washington State Department of Ecology
PO Box 47600, Olympia WA 98504-7600

e-mail: tcli461@ecy.wa.gov

Telephone: (360) 407-7448

FAX (360) 407-6902

DATE

8/30/05

NAME (TYPE OR PRINT)

Gordon White

SIGNATURE

GORDON WHITE

TITLE Program Manager

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

FILED

SEP 1 2005

TIME 3:50 PM
WSR 05-18045